

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

RONDEL DELBERT GARDNER,	)	Case No.: 1:20-cv-00240-NONE-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER GRANTING PLAINTIFF'S MOTION
v.	)	FOR A COPY OF THE THIRD AMENDED
	)	COMPLAINT
GAVIN NEWSOM, et.al.,	)	
	)	(ECF No. 42)
Defendants.	)	
	)	

Plaintiff Rondel Delbert Gardner is proceeding *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's request for a copy of the third amended complaint, filed on June 4, 2020.

On March 17, 2020, the Court appointed counsel for the limited purpose of filing a third amended complaint in this action. (ECF No. 31.)

On May 15, 2020, counsel filed a third amended complaint. (ECF No. 37.)

On May 20, 2020, the Court ordered the third amended complaint to be served on the California Department of Corrections and California State Prison-Corcoran. (ECF No. 38.)

In the instant motion, Plaintiff requests a copy of the third amended complaint in order to further litigate this action. (ECF No. 42.)

Inasmuch as Plaintiff did not receive a copy of the third amended complaint filed by counsel in

1 this case, the Court will provide Plaintiff a courtesy copy of the complaint. To the extent Plaintiff is  
2 seeking to file a motion for summary judgment, Plaintiff is advised that although Rule 56 allows a  
3 motion for summary judgment to be filed "at any time," Rule 56 also allows the court to issue an  
4 order, as is just, denying the motion or ordering a continuance for the opposing party to pursue  
5 discovery. Fed. R. Civ. P. 56. Here, Defendants are entitled to an opportunity to pursue discovery  
6 before responding to a summary judgment motion. Defendants have not yet filed an answer, and a  
7 discovery order has not issued. Accordingly, any motion for summary judgment filed prior the filing  
8 of an answer and issuance of a discovery order is premature.

9 Based on the foregoing, it is HEREBY ORDERED that:

- 10 1. The Clerk of Court shall send Plaintiff a courtesy copy of the third amended complaint  
11 filed in this case on May 15, 2020 (ECF No. 37).

12  
13 IT IS SO ORDERED.

14 Dated: June 5, 2020



UNITED STATES MAGISTRATE JUDGE